

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Onkar Singh, *on his own behalf and on behalf of  
others similarly situated,*

Plaintiff,

**ORDER**

-against-

18 Civ. 12327 (PMH) (AEK)

JGAJ Petroleum, Inc., *d/b/a* 310 Broadway Mobil,  
et al.,

Defendants.

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**THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.**

The Court held a telephonic conference on January 27, 2021 to address the motion to withdraw as counsel that was filed by Plaintiff's counsel on January 8, 2021 (ECF No. 61). Among other things, the motion states that Plaintiff has not communicated with counsel regarding outstanding discovery obligations, and has indicated through text messages that he may no longer wish to pursue his claims in this action. At the conference, Plaintiff's counsel confirmed that he has received no further communications from Plaintiff in the nearly three weeks since the motion was filed, despite the fact that the firm representing Plaintiff has made multiple attempts to contact Plaintiff. Although Plaintiff was ordered to appear at the conference or risk potential dismissal of his case for failure to prosecute (see ECF Nos. 60, 63), Plaintiff did not attend.

At the conference, Plaintiff's counsel represented that his firm served a copy of the motion to withdraw on Plaintiff at his last known mailing address. The Court directed Plaintiff's counsel to file proof of such service on ECF, and counsel has done so already (ECF No. 64). In addition, the Court ordered Plaintiff's counsel to file a letter regarding whether counsel intends

to assert a retaining or charging lien, serve this letter on Plaintiff at his last known mailing address, and file proof of service of this letter. This must be completed by no later than February 1, 2021.

If Plaintiff objects to the withdrawal of counsel, he must send the Court a letter or other papers in opposition on or before February 24, 2021. Such papers shall be mailed to the undersigned at the U.S. Courthouse, 300 Quarropas Street, White Plains, NY 10601.

In addition, Plaintiff is hereby ORDERED to telephone Chambers at (914) 390-4070 on or before February 24, 2021 to inform the Court that he has received this Order; to inform the Court of an address, telephone number, and/or e-mail address at which he can be reached; and to state whether he has sent or is sending to the Court any papers opposing his counsel's motion to withdraw. If Plaintiff does not oppose the motion, he should still write a letter to the Court on or before February 24, 2021, informing the Court of this.

Plaintiff's counsel must serve a copy of this Order upon Plaintiff by regular mail, Certified Mail, and text message, and file proof of service that reflects that such service was made upon Plaintiff at his last known address and phone number. Plaintiff's counsel shall thereafter attempt to confirm by telephone and/or text message that the motion papers, the letter regarding a retaining or charging lien, and this Order were received by Plaintiff, and shall send a letter to the Court by February 8, 2021, informing the Court of the results of these efforts.

Plaintiff is warned that if he fails to telephone or write the Court as required by this Order, the motion to withdraw will be granted and this case may be dismissed for failure to prosecute under Rule 41 of the Federal Rules of Civil Procedure.

Dated: January 27, 2021  
White Plains, New York

**SO ORDERED.**



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ANDREW E. KRAUSE  
United States Magistrate Judge